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Omnibuslaw, Theory and Practice in the Field of Tourism Investment

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Abstract. Execution is the implementation of a court decision that has permanent legal force (in krach van gwijsde) which is carried out by force against the losing party in a case who does not want to comply with the implementation of the court decision. As with the "word execution" which has been known especially in legal circles, it turns out that the word comes from English which in the original text is written executie which means to carry out, do, carry out, do, kill according to the judge's decision. Carrying out the death penalty in short, execution means carrying out or relating to the implementation of the executive institution, for example, which means an institution that has the authority to implement the Law. This process involves the assistance of court officials, including clerks and bailiffs, and can use general force such as the police or military if necessary. Execution aims to ensure the implementation of decisions that contain elements of punishment and must be carried out by paying attention to humanitarian values and justice. Law, as a tool to achieve social goals, has an important role in creating a more just and prosperous society, by accommodating public, social, and personal interests. In developing tourism in a region, it is necessary to pay attention to the potential of the region concerned. The more potential there is in an area, the more feasible the area is to be developed into a tourist destination so that the implementation of execution in tourist areas is very risky because it involves security forces. The implementation of execution involving security forces will affect the community and residents in tourist destinations that are widely visited by tourists, because it can affect the comfort and safety of tourists.

Keywords: MSMEs; partnerships; business competition law

INTRODUCTION

Tourism development is one part of economic development in order to increase economic growth in a country that aims to increase state income through tax foreign exchange and participation of tourist contributions. So that it can create jobs for the wider community which can later increase the prosperity of the community.

Tourism is Travel to Areas with pristine natural environments. By respecting their cultural and natural heritage, supporting conservation efforts, not producing negative impacts and providing socio-economic benefits, and respecting and involving local residents.

In developing tourism in a region, it is necessary to pay attention to the potential of the region concerned. The more potential there is in a region, the more worthy the region is to be developed into a tourist destination.

The people in the area concerned have good social character and hospitality and are easy to accept anyone who enters their area. This social potential will make it easier to form more familiar social interactions and can build more harmonious human relations, in addition to having various unique traditions that can be packaged into tourism products to be promoted. In areas that have various works of art, cultural activities and historical relics that have high artistic value can be packaged into tourism products.

Areas that have natural potential with their own uniqueness and advantages as well as the diversity of endemic animals in the area are also potentials that can be developed to be used as tourism products. The diversity of natural potential is a very good thing and is a very good asset to be developed into a destination and a leading tourist attraction which is a gift from God Almighty.

METHOD

The research method used in this study is normative legal research, which is a research that focuses on legislation. In this study, the author will conduct research by examining legal materials that are library or other secondary data. The approach method used by the author is using a statute approach and a conceptual approach. The statute approach is carried out by reviewing and analyzing all laws and regulations related to the legal issues that are the object of research. This research itself is descriptive analysis, namely research that produces descriptive analysis data with the method used to describe a research object based on legal theory or applicable legislation.

DISCUSSION

Omnibus Law

Omnibus law is a method or concept of making regulations that combines several rules with different regulatory substances into one regulation under one legal umbrella. The purpose of the Job Creation Law, namely Law Number 6 of 2023, is to create equal employment for the Indonesian people. Thus, the purpose of the Omnibus Law regulation is to improve a conducive and attractive business climate for investors.

Tourism Investment Potential

The relationship with the large potential of tourism in Indonesia and considering that Indonesia consists of tens of thousands of separate islands, has abundant biodiversity and is surrounded by two continents causing a cultural influence that is quite adding to the richness of the archipelago's culture in addition to the native culture of the population that is not influenced by outside culture. The tourism tendencies that are most in demand by tourists to Indonesia are the natural beauty, biodiversity and cultural diversity of Indonesia.

With the natural potential in Indonesia including very unique flora and fauna such as Komodo, corpse flowers, and other types such as very rare orchids. The landscape in an area can be sought by tourists such as Raja Ampat, Bunaken, Badar Island and others.

Therefore, foreign investment in Indonesia must be accompanied by:

Institutional and Infrastructure Improvement

Indonesia has natural wealth and biodiversity in it which is an attraction for investors who want to invest in Indonesia. That the failure to eradicate corruption and bad ethics of business entities is a bad image of investment in Indonesia. In the framework of public private partnership (PPP) choosing investors and maintaining trust is the most important thing and the business entity that is appointed must carry out a strict and large-scale monitoring and evaluation process. The requirements for maintaining credibility in the public domain are transparency and accountability. Without these two things, credibility will only be a formality without a clear form. Indonesia's failure in the variables that determine competitiveness makes the long-term perspective of investors towards Indonesia worse, something that is certainly not expected by the Indonesian Government.

Improvement of Employment Institutions

Indonesia has various dimensions of employment problems, including: Indonesia has not created good jobs in sufficient numbers so that workers can fully experience the benefits of sustainable economic growth.

Rigid labor regulations have hampered job creation and failed to provide protection for workers most vulnerable to layoffs.

In the effort to reform the workforce has reached a dead end and hampered Indonesia's ability to prepare itself to face future challenges. The workforce problem will certainly make it difficult for Indonesia to achieve the goals shared at the international level that have been agreed upon in the Millennium Declaration known as the Millennium Development Goals (MDGs), namely overcoming poverty and hunger

Investment Needs Prospects and Projections

The development of an increasingly open global economy, investment satisfaction, especially related to the production of goods and services in a country. One of which is determined by the availability of market access to the production of goods and services. Thus, in addition to considering investment supporting factors, the government also needs to accelerate international cooperation negotiations. Trade cooperation provides benefits not only from increasing export performance but also from increasing investment. Investment needs continue to increase in line with increasing economic growth.

The source of investment needs related to trade cooperation is dominated by foreign direct investment (FDI). Historically, there are 4 main countries as sources of Foreign Direct Investment (FDI) which in the future will be increasingly important in determining the map or structure of the world economy and trade cooperation, namely Japan, China, the United States (US) and the European Union. Investment needs from these countries are projected to increase.

Regional Partner Country Selection

To achieve investment targets and projections, the selection of non-traditional partner countries is important. This mapping is done using the gravity equation approach by entering the variables of real GDP per capita, population, and potential market (i.e., the ratio between real GDP and geographic distance).

Next is the selection of potential partner countries from each region. Regional division is based on the International Telecommunication Union classification. Countries are grouped into 7 regions, namely Africa, Middle East, Asia and Pacific, CIS, Europe, North America, and South/Latin America. Due to the small number of North American regional members, the North and South/Latin American regions will be combined. Then, from each region, 5 potential partner countries will be selected. In addition to each region, 10 countries from around the world were also selected that have the potential to become partner countries based on the same indicators. The selected countries are Germany, England, France, Italy, Canada, Spain, Australia, Russia, Mexico, and Turkey. Most of them are countries from Europe, especially those included in the European Union.

A solid policy framework is very important. The principles in preparing a good and correct government policy framework are credibility, flexibility and political legitimacy. Regulations can create credibility if the regulation is a regulation that is widely known and understood by the public. The existence of credibility causes the policy instruments needed by economic authorities to be easily implemented to overcome economic turmoil. Credibility is improved by the existence of a transparent and accountable framework, which can ultimately strengthen political legitimacy.

Good policies can be produced when policymakers and policy-making institutions have the ability to react quickly to unexpected shocks. Full discretionary policies have the potential to cause public trust in the government to erode.

Investment in Tourism Sector

Tourism Investment

Investment is capital investment from both domestic and foreign investors. Many factors influence the development of tourism investment, including:

Investment policy

- Improvement of rules and regulations
- Preparation of investment master plan
- Development of investment masterplan system
- One-roof system and on stop shop service
- Partnership development

The purpose of investment is to encourage the development of tourism potential in an area, both in terms of infrastructure or other facilities such as tourism facilities and tourist destinations.

Investment

Investment is a commitment to a certain amount of funds or goods whose interaction is being carried out now with the aim of obtaining profits in the future. The term investment is related to various activities, such as investing in real material assets (machines, buildings, gold, land, etc.) or using financial assets (stocks, deposits, etc.). Investment is often done by many people because it can provide benefits if they really learn to understand the contents of the investment. Sugianto stated that investment is an activity in which the perpetrator temporarily postpones the use of his assets for the consumption of goods, but uses it to increase efficient production over a certain period of time. And according to Sukirno, investment is an activity that is commonly carried out by the general public continuously so that it can increase economic growth, increase the level of community prosperity, and also increase national income.

Investment is an important component in terms of increasing economic growth. Samuelson argues that investment as an effort to develop the economy has two important roles from a macroeconomic perspective. First, investment is an expenditure on an asset that is very large in amount but has a very high and changing level of fluctuation. Second, investment is an accumulation of capital which can be done by building construction and buying equipment that is useful for helping to improve the economy. Investment is expected to be able to maintain economic growth in the long term. Sukirno's opinion is that investment is a capital expenditure to buy and add capital goods or equipment to produce products with the aim that the output that occurs will increase in the economy in the future.

Harrod and Damar's opinion that economic growth in a region will be greatly influenced by the level of investment. This means that if the level of investment is high, economic growth will also be higher and easier to achieve. Investment will greatly affect the economic growth of a region. In an effort to encourage economic growth, domestic investment is not the only thing that must be pursued, but also the need for foreign investment that can affect GDP. The attractiveness of a region in an effort to attract investors is that the region needs to improve its capabilities in terms of improving infrastructure and local government policies towards investment. From the source of funding, investment is divided into two, namely Foreign Investment (PMA) and Domestic Investment (PMDN)

Tourism Investment in Indonesia

Investment is one aspect that plays a major role in national economic development. The higher the investment rate, the higher the development and economic growth that will be achieved. One factor that attracts investors is Indonesia's abundant natural resources such as natural gas, oil, mining products, and others. However, before investing in Indonesia, investors must first know all the explanations, qualifications, procedures, and requirements that investors need to fulfill to invest in Indonesia. Investment or capital investment has a broad meaning, namely activities to generate profits in the future. According to Article 1 paragraph (1) of Law No. 25 of 2007 concerning Investment, investment is defined as all forms of capital investment activities, both by domestic investors and foreign investors to conduct business in the territory of the Republic of Indonesia. Investment or capital investment is divided into two, namely Domestic Investment (PMDN) and Foreign Investment (PMA). Domestic Investment is an investment activity in Indonesia that fully utilizes domestic capital and is carried out by domestic investors. Meanwhile, Foreign Investment is an investment activity in Indonesia carried out by foreign investors, either using foreign capital entirely or collaborating with domestic capital.

Some of the efforts made by Indonesia are government efforts to improve the investment climate, including by facilitating investment licensing. This is supported by the Online Single Submission system or what is known as OSS which makes investment licensing easier, faster, and more practical. Investment Objectives Although Law 25/2007 distinguishes investment into two, namely Domestic Investment (PMDN) and Foreign Investment (PMA), both have the same goal. Article 3 paragraph (2) of Law 25/2007 states that the purpose of investment is to increase national economic growth, create jobs, increase sustainable economic development, increase the competitiveness of the national business world, increase national technological capacity and capability, encourage the development of the people's economy, process potential economy, and improve community welfare. Investment is also aimed at the welfare of the Indonesian people. It can be seen from Article 10 of Law 25/2007 that every investor must prioritize Indonesian workers. Companies that employ foreign workers in their companies must provide training and technology transfer to Indonesian citizen workers. From this article, it is clearly stated that foreign investors must basically prioritize Indonesian citizen workers, because the existence of domestic investment or foreign investment can reduce unemployment rates and increase the competence of Indonesian workers.

Requirements for foreign investment, investment must be made in the form of a limited liability company (PT) established in the territory of the Republic of Indonesia that utilizes foreign capital or with a joint venture with domestic investors. The investment capital requirement for PT PMA is a minimum of IDR 10 billion with a minimum paid-up capital of IDR 2.5 billion. Shareholders must have shares of at least IDR 10 million. Another important indicator is the selection of the type of business field. Because there are types of business fields that are not permitted for investors. In investment, it is known as the Indonesian Negative List (DNI), which functions to provide clarity for investors about the choice of business fields in Indonesia.

The government divides DNI into:

Open Business Field: a business field that is carried out without any requirements for Investment.

Closed Business Fields: certain business fields that are not allowed to be operated as Investment activities. Open Business Fields with Requirements: Certain business fields that can be operated for Investment activities with requirements, namely reserved for Micro, Small, and Medium Enterprises and Cooperatives, Partnerships, capital ownership, certain locations, special permits, and investors from Association of Southeast Asian Nations (ASEAN) countries. The Indonesian Negative List (DNI) must be known by investors before investing their capital in Indonesia. This Indonesian Negative List is regulated in Presidential Regulation No. 44 of 2016. Procedures for Establishing a Foreign Company in Indonesia There are several stages that must be carried out in establishing a PT PMA in Indonesia. The first thing that every foreign business actor must have is a Deed of Establishment of the PT, a decree that validates the establishment of the PT which has been approved by the Ministry of Law, and has a company NPWP.

Bali Tourism

Tourism on the Island of the Gods was once rocked by the Bali bombing in 2002 and the eruption of Mount Agung in 2017. The impact of the Covid-19 pandemic was even more severe. Relying on tourism as a leading sector, Bali became the province that suffered the most from the corona virus in Indonesia. In the second quarter of 2020, when national economic growth was minus 5.32%, Bali's gross domestic product fell to -10.98% compared to the same period last year. Bali, which relies on foreign tourist visits, felt the impact of the global Covid-19 pandemic earlier than other provinces in the archipelago. In the first quarter of 2020, when the Indonesian economy was still growing by 2.97% nationally, Bali's economy had already contracted by 1.14%.

Bali Tourism Opening Plan So that the economy does not experience a prolonged contraction, the government is opening Bali tourism in stages. Referring to the Circular Letter of the Governor of Bali Number 15243 of 2020, domestic tourists may visit Bali starting July 31, 2020. Meanwhile, visits by foreign tourists are opened on September 11, 2020. Of course, there are conditions that must be met by travelers. The government is also mobilizing indigenous communities to oversee the reopening of various tourist destinations. The pecalang go around to ensure the implementation of health protocols. What is of concern is that the community and beach visitors must continue to wear masks, maintain

distance, and diligently wash their hands in the places provided or use hand sanitizer. Several tourist attractions that are not yet willing to implement strict health protocols will not be forced to open.

Reactivating Bali Tourism does not necessarily bring in a large number of tourists. This is due to the restriction of aircraft passenger capacity of up to 70%. Previously, the average number of tourist visits to Bali was around 14 thousand people per day. Bali tourism is now starting to beat again. The General Chairperson of the Indonesian Hotel and Restaurant Association (PHRI) said that the momentum for the opening of Bali was the start of a healthy tourism campaign. This campaign will then be rolled out to all regions in Indonesia, he explained, this campaign is not to invite people to start traveling massively, but to travel according to health protocols. The campaign to ensure health and sanitation will not only be carried out by accommodation service providers, but also by transportation entrepreneurs. Online ticket agent (OTA) sales transactions are starting to flow. Of course this is good news considering that both companies were overwhelmed by requests for refunds at the beginning of the pandemic. The Bank Indonesia Bali Representative Office projects that economic conditions on the Island of the Gods in the third quarter of 2020 will improve in line with the strategy for restoring the economic order.

The implementation of the new situation in the tourism sector prioritizes aspects of cleanliness, health, and safety. The consideration is the number of domestic passenger arrivals at the international airport | Gusti Ngurah Rai recorded at 35,934 people in July 2020. Bali's tourism recovery efforts have received full support from the Central Government. Still an investment destination for tourism investors, Bali does offer natural beauty and various interesting destinations for foreign and local tourists to vacation. The large number of foreign tourist visits to Bali has indeed had a positive effect on the tourism industry in Bali, this is what makes tourism investors feel at home pouring their investment funds in Bali. In general, Indonesia is one of the countries with tourism destinations that are fairly rapidly developing. This cannot be separated from the role of the government in promoting Indonesian tourism in the eyes of other countries and most importantly foreign investors.

Legal Basis for Investment in Indonesia

The realization of a just and prosperous society based on Pancasila and the 1945 Constitution of the Republic of Indonesia is important for the realization of sustainable national economic development in accordance with economic democracy in achieving state goals. As stated in the Decree of the People's Consultative Assembly of the Republic of Indonesia Number XVI/MPR/1998 concerning Economic Politics in the Framework of Economic Democracy, investment policies should be based on the people's economy with the involvement of development for micro, small, medium enterprises, and cooperatives.

Acceleration of national economic development as a manifestation of Indonesia's political and economic sovereignty requires increased investment in managing economic potential as a real economic power by utilizing capital from within the country and from abroad. The existence of changes in the global economy and Indonesia's involvement in several international cooperations, it is considered important to create a conducive, promotive investment climate, with legal certainty, justice, and efficiency and not ignoring national economic interests.

Law Number 1 of 1967 concerning Foreign Investment has been amended by Law Number 11 of 1970 concerning Amendments and Supplements to Law Number 1 of 1967 concerning Foreign Investment and Law Number 6 of 1968 concerning Domestic Investment was amended by Law Number 12 of 1970 concerning Amendments and Supplements to Law Number 6 of 1968 concerning Domestic Investment needs to be replaced because it is no longer in accordance with the needs of accelerating economic development and national legal development, especially in the field of investment. Based on careful consideration, the DPR and the President of the Republic of Indonesia formed a Law on Investment, namely Law of the Republic of Indonesia Number 25 of 2007 concerning Investment. The Investment Coordinating Board (BKPM) assured that the concept of derivative regulations of the Job Creation Law will not have an impact on the flow of investment into Indonesia. The government has prepared and collected input from the public regarding the derivative regulations of Law (UU) 11/2020 concerning Job Creation which discusses the investment business sector. Foreign investment can only carry out business activities in large businesses with an investment value of more than IDR 10 billion. This investment value limit does not include land and buildings for business premises. The minimum

investment value requirements for PMA (Foreign Investment) including large-scale ones that have been enforced according to the limitations of Law 20/2008 Foreign Investment (PMA) is a large-scale business that must be in the form of a limited liability company based on Indonesian law and domiciled within the territory of Indonesia, unless otherwise specified by law. Meanwhile, this requirement does not apply to foreign investment in special economic zones in the technology-based start-up business sector. These foreign investors can make investments with an investment value equal to or less than IDR 10 billion. The open business sectors consist of priority business sectors, business sectors allocated or partnerships with cooperatives and MSMEs, and business sectors with certain requirements. Priority business fields are business fields that meet several criteria, namely national strategic programs or projects, capital intensive, labor intensive, high technology, pioneer industry, export orientation/import substitution, and/or orientation in research, development, and innovation activities.

CONCLUSION

In order to realize sustainable tourism development and investment development, the direction, policies, strategies and tourism development programs must be made in harmony and synergy with the direction of national and regional tourism development policies, so as not to deviate from the objectives of tourism development, namely:

Improving the quality and quantity of tourism destinations,

Communicating Indonesian tourism destinations using marketing media effectively, efficiently and responsibly,

Realizing a tourism industry that is capable of driving the national economy.

Developing tourism institutions and tourism management that are able to synergize tourism destination development, tourism marketing, and the tourism industry in a professional, effective and efficient manner.

It can be concluded that the implementation of tourism development programs that are made according to the capabilities, regional development and the welfare of the community around the area will be able to increase. So that it can realize the vision of national tourism development, namely the realization of Indonesia as a world-class tourist destination, competitive, sustainable, able to encourage regional development and people's welfare.

The main supporters of the implementation of tourism development are the elements that support the implementation of development, namely:

Availability of legal instruments and ability to understand regulations

Readiness of local government apparatus and institutions to receive investment.

Availability of sufficient funds for investment

Community support in achieving investment goals.

Have human resources that meet investment needs.

There is collaboration between investors and the local environment and community.

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